

REMARKS

Status of Claims

Claims 1-19 are pending in this application. Claims 1, 8, 9, and 19 are the independent claims.

Claims Rejection - 35 USC §102(e)

Claims 1-15 and 19 are rejected under 35 USC §102(e) as being anticipated by United States Patent No. 5,309,504 to Morganstein (hereinafter "Morganstein"). Claims 1, 8, 9, and 19 are the independent claims, and the remaining claims depend, directly or indirectly, from claim 1, 8, 9, or 19.

The Examiner states that Morganstein teaches the Applicant's "voice path switch, responsive to said IVR and to said telephone signals, for selectively connecting said telephone signals received from said plurality of outside parties utilizing said plurality of outside telephone apparatus to at least one of said operator terminals and said IVR dependent upon whether operator assistance is required for each of said plurality of outside parties" (See Office Action, page 2) as claimed by the Applicant in his independent claims.

Further, the Examiner also states that Morganstein teaches

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⑧ the IVR (Office Action, pages 2-3) as claimed by the Applicant in his independent claims. For the proposition that Morganstein teaches the IVR, the Examiner cites column 1, line 37, ~~which~~ is a discussion on the Background of the Invention. Specifically, the Examiner cites an interactive voice response computer described in United States Patent No. 4,908,850 to Masson et al. (hereinafter "Masson et al.").

The Applicant traverses the rejection and respectfully requests reconsideration. The Examiner has basically stated that the telephone switching system 34 in Morganstein is responsive to an interactive voice response computer in Masson et al. This is an improper rejection because a single reference must teach each and every aspect of the claimed invention under a 35 U.S.C. §102 rejection, and the Applicant requests reconsideration.

⑧ The Examiner goes on to cite Masson et al. as teaching "in the event operator assistance is required, a computer connects a calling party to an attendant position equipped with a data terminal". (Office Action, page 3). Again, the rejection is improper because Masson et al. is a description of the prior art and not a description of the invention of Morganstein.

For anticipation of 35 USC § 102, a single reference must

Q teach each and every aspect of the claimed invention. (M.P.E.P. §2131). Applicant respectfully submits that Morganstein does not teach each and every element of the present invention. The Examiner states that "'said IVR not having an ANI', it is inherent that the IVR taught by Morganstein does not have an ANI. To one skilled in the art, ANI refers to an identification of a caller or a calling device used by a caller. The IVR as taught by Morganstein is not a caller nor is a calling device used by a caller." (Office Action, page 3). The Examiner has incorrectly interpreted the language in the claims. The claims read each outside call not having an ANI is populated by IVR.

The Examiner is referred to paragraph 0031 in the Applicant's specification which reads as follows: "[i]n the event that there is no ANI with the incoming call, the IVR preferably populates the ANI for the call with the phone number and/or extension associated with the port on which the incoming call was received. Thereafter, the data for the call will be matched to the ANI for the port on the IVR on which the call was originally received.

To enable the IVR to populate the ANI for the call, the IVR preferably maintains a mapping of the port numbers to phone numbers and/or extensions." (Applicant's Specification, 0031.)

It is specifically this mechanism that the Applicant claims as "means for populating an automatic number identifier (ANI) for each outside call...not having an ANI and associating said ANI therewith" (See, e.g., Claim 1). Because Morganstein does not teach or disclose the claimed language, the rejection is improper. Anticipation under 35 USC § 102 requires that a reference teach each and every aspect of the claimed invention. (M.P.E.P. §2131.) Applicant respectfully submits that Morganstein does not teach each and every element of the present invention, and reconsideration is respectfully requested.

Claims Rejection - 35 USC § 103(a)

Claims 16-18 are rejected under 35 USC § 103(a) as being unpatentable over Morganstein as applied to claim 5 above, and in view of United States Patent No. 6,301,480 to Kennedy *et al.* (hereinafter "Kennedy *et al.*").

Claims 16-18 depend indirectly from claim 9, and claim 9 has been distinguished above. The arguments with respect to claim 9 above are hereby incorporated here by reference with respect to claims 16-18. Applicant believes that all of the claims are in condition for allowance, and reconsideration is respectfully

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requested.

In view of the foregoing remarks, Applicant submits that all of the pending claims are in condition for allowance and requests early and favorable action on the merits. The examiner is invited to telephone the undersigned, Applicant's Attorney of Record, to facilitate advancement of the present application.

Respectfully submitted,

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